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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS HATFIELD,

Defendant.

**2:04-cr-00215-LDG-PAL**

GOVERNMENT'S RESPONSE IN  
OPPOSITION TO DEFENDANT'S  
MOTION FOR EARLY  
TERMINATION OF SUPERVISED  
RELEASE (Doc. #63)

COMES NOW the United States of America, by and through DANIEL G. BOGDEN, United States Attorney, and CRISTINA D. SILVA, Assistant United States Attorney, and respectfully requests that Defendant's Motion for Early Termination of Supervised Release (Doc. #63) be denied.

On January 19, 2005, Defendant entered a guilty plea to Count One of the Criminal Indictment, charging him with a violation of Title 18, United States Code, Section 2252(a)(2), *Receipt of Child Pornography*. Doc. #31. On April 5, 2005, this Court sentenced Defendant to 60 months imprisonment, with credit for time served, a lifetime term of supervised release to follow imprisonment. Doc. #36. Defendant's supervised release term commenced in November of 2008. This Court may, after considering certain enumerated factors,<sup>1</sup> terminate a term of supervised

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<sup>1</sup> Those factors are: 18 U.S.C. § 3553(a)(1) nature and circumstances of the offense and history and

1 release at any time after the expiration of one year of supervised release “. . . if it is satisfied that  
2 such action is warranted by the conduct of the defendant released and in the interest of justice. 18  
3 U.S.C. § 3583(e)(1).

4 Among courts that have considered this question, both in this context and in the context of  
5 similar motions for early termination of supervised release, the majority rule appears to be that  
6 “mere compliance with the terms of probation or supervised release is what is expected of  
7 probationers, and without more, is insufficient to justify early termination.” *United States v. Caruso*,  
8 241 F. Supp.2d 466, 469 (D.N.J. 2003) (collecting cases); *see also United States v. Miller*, 205 F.3d  
9 1098, 1100-01 (9th Cir. 1999).

10 In rare instances a changed in circumstances, for example exceptionally good behavior or a  
11 paid amount of restitution, may render a previously imposed term of supervised release too harsh or  
12 inappropriately tailored to serve the general punishment goals of 18 U.S.C. § 3553(a). In those rare  
13 cases, a Court may discharge a defendant from supervised release. *See United States v. Grimaldi*,  
14 482 F.Supp.2d 248 (D. Conn 2007).

15 In the instant case, Defendant was sentenced 60 months of imprisonment followed by  
16 lifetime supervision. Defendant previously moved the Court for early termination of his supervised  
17 release. Doc. #61. In that motion, the Defendant previously moved to terminate his supervised  
18 release because he “abided by the terms of his supervised release for a period exceeding one year.”  
19 Doc. #59 at 2. The motion was denied. Doc. #62.

20 The Defendant now cites the *same* reason for seeking early termination. *See* Doc. #63 at 2.  
21 Similar to his prior motion, Defendant has not provided this Court a basis for early termination of his  
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23 characteristics of the defendant; 18 U.S.C. § 3553(a)(2)(B) to afford adequate deterrence to criminal conduct; (a)(2)(C)  
24 to protect the public from further crimes of the defendant; 18 U.S.C. § 3553(a)(4) the kinds of sentences and the  
sentencing range established [under the Sentencing Guidelines]; 18 U.S.C. § 3553(a)(5) any pertinent policy statement  
[under the Guidelines]; 18 U.S.C. § 3553(a)(6) the need to avoid unwarranted sentencing disparities among defendants  
with similar records who have been found guilty of similar conduct. 18 U.S.C. § 3553.



1 for terminating the Court's supervision, the United States asks this Court to deny his motion.

2 Respectfully submitted this 17th day of June, 2015.

3 Respectfully Submitted,

4 DANIEL G. BOGDEN  
5 United States Attorney

6 /s/ Cristina D. Silva  
7 CRISTINA D. SILVA  
8 Assistant United States Attorney  
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**CERTIFICATE OF SERVICE**

I, Cristina D. Silva, do hereby certify that on July 17, 2015, a copy of the Government's Response to the *Defendant's Motion to Terminate Supervised Release* was sent by United States Postal mail to the person hereinafter named, at the place and address stated below, which is the last known address:

**Addressee:**

Thomas R. Hatfield  
606 Tiffany Lane  
Las Vegas, NV 89101

/s/ Cristina D. Silva  
CRISTINA D. SILVA  
Assistant United States Attorney